

REMARKS

The final Office Action of May 14, 2007, has been carefully reviewed and these remarks are responsive thereto. Reconsideration and allowance of the instant application are respectfully requested. Claims 27 and 28 have been amended to place the claims in a more preferred form. New claims 43-57 have been added. Thus, claims 27-28, 30-37, and 39-57 are pending in this application.

Claims 27-28 and 30-37 stand provisionally rejected on the ground of non-statutory obviousness-type double patenting as being unpatentable over claims 1-12 of co-pending U.S. Pub. App. No. 2001/0018332. First, Applicants would like to thank the Examiner for maintaining the provisional rejection, thereby providing Applicants notification of their failure to file a Terminal Disclaimer. In response to the rejection and without acquiescing to the rejection, Applicants submit concurrently herewith a Terminal Disclaimer rendering moot the obviousness-type double patenting rejection. A fee in the amount of \$130.00 is submitted herewith for the Terminal Disclaimer fee.

Claims 27-28 and 30-37 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Till (U.S. Patent No. 6,435,690, hereinafter referred to as *Till*). Applicants respectfully traverse the rejection.

In order to establish a prima facie case of anticipation under 35 U.S.C. § 102(e), each and every feature of the claim must be taught by the reference. Applicants' amended independent claims 27 and 28 each recite, among other features, "wherein the light source is configured to be connected to a battery external to the outer decorative cover when the outer decorative cover is attached to the wireless communication device to receive power from said battery to activate the light source to emit light." *Till* describes a perimeter light illumination method and system for portable communication devices. (Title). *Till* does not teach or suggest "a light source mounted to an inner surface" of an outer decorative cover that is "connected to a battery external to the outer decorative cover." Instead, *Till* describes that the perimeter lighting system can be configured to operate from an external power source that is connected to the device. (*Till*, col. 8, ll. 3-5). Figure 10 clearly shows the described external power source connected not to the light source, but to a controller, which connects to an internal second power source. (Figure 10). *Till* describes connecting the light source to this second power source. (*Id.*) Additionally, Figure 10

describes connecting the light source and the second power source to the same surface—that is, the interior of the underlying portable device. (*Id.*) Figure 10 shows both the light source and the power source contained within the underlying portable device. (*Id.*) As *Till* fails to teach or suggest “a light source mounted in the inner surface” of an outer decorative cover that is “connected to a battery external to the outer decorative cover,” withdrawal of the present rejection of claims 27 and 28 is respectfully requested.

Claims 30-37 and 39-42, which ultimately depend from claim 27 or claim 28, are allowable over the art of record for all the reasons given above concerning their respective base claim.

Claims 41 and 42 are objected to under 35 U.S.C. 132(a) because they introduced new matter into the disclosure. Reciting similar features, the objected-to inventive feature within claim 41 and 42 is “wherein the pattern is configured to permit playing of a visual game on the outer decorative cover of the wireless communication device.” The Office Action contends the specification describes that other devices or panels can be incorporated to permit playing of a visual game on the cover, not that the pattern is configured to permit playing of a visual game on the outer decorative cover. Applicants respectfully disagree. For example, paragraph [0019] on page 5 of Applicants’ original written description recites, “a number of different colored light emitting members associated with different optical fiber threads or panels can be incorporated to permit playing of a visual game on the cover of the telephone or other device.” The said “optical fiber threads or panels” are described by Applicants’ specification to be two of the numerous pattern configurations incorporated into the outer decorative cover. (*See, e.g.*, pp. 4-5, paras. [0015]-[0016]). Thus, claims 41 and 42 do not introduce new matter because there is antecedent support for the claimed inventive feature, “wherein the pattern is configured to permit playing of a visual game on the outer decorative cover of the wireless communication device.” Applicants respectfully request for the objection’s withdrawal.

New claims 43-57, wherein 43, 49, and 57 are independent claims and 44-49, and 50-56 depend from claims 43 and 49, respectively. The claims include one or more similar features as described above with respect to Applicants’ claims 27 and 28. New claims 43-57 are allowable over the art of record for at least similar reasons as described above with respect to claim 27 and 28 and further in view of the novel features recited therein.

CONCLUSION

All rejections having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. Should the Examiner find that a telephonic or personal interview would expedite passage to issue of the present application, the Examiner is encouraged to contact the undersigned attorney at the telephone number indicated below. If any additional required fees are or if an overpayment has been made the Commissioner is authorized to charge or credit Deposit Account No. 19-0733. Applicant looks forward to passage to issue of the present application at the earliest convenience of the Office.

Respectfully submitted,
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